

## HOUSE BILL NO. 606

INTRODUCED BY S. MENDENHALL

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT LAND SUBJECT TO A CONSERVATION EASEMENT MAY NOT BE INCLUDED IN A CITIZEN-INITIATED PLANNING AND ZONING DISTRICT; AND AMENDING SECTION 76-2-101, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 76-2-101, MCA, is amended to read:

**"76-2-101. Planning and zoning commission and district.** (1) Subject to the provisions of ~~subsection~~ subsections (5) and (6), whenever the public interest or convenience may require and upon petition of 60% of the affected freeholders, the board of county commissioners may create a planning and zoning district and appoint a planning and zoning commission consisting of seven members.

(2) A planning and zoning district may not be created in an area that has been zoned by an incorporated city pursuant to 76-2-310 and 76-2-311.

(3) For the purposes of this part, the word "district" means any area that consists of not less than 40 acres.

(4) Except as provided in subsection (5), an action challenging the creation of a planning and zoning district must begin within 5 years after the date of the order by the board of county commissioners creating the district.

(5) If freeholders representing 50% of the titled property ownership in the district protest the establishment of the district within 30 days of its creation, the board of county commissioners may not create the district. An area included in a district protested under this subsection may not be included in a zoning district petition under this section for a period of 1 year.

(6) Land that is subject to Title 76, chapter 6, may not be included in a planning and zoning district under this section.

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